

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

ARNETHA BOYD

CIVIL ACTION NO: 1:22-CV-01661

VERSUS

JUDGE:

WALMART INC.

MAGISTRATE:

NOTICE OF REMOVAL AND JURY DEMAND

TO: Greta Roaix – Deputy-in-Charge
United States District Court
Western District of Louisiana
Clerk of Court
515 Murray St., Suite 105
Alexandria, LA 71301

Eugene A. Ledet, Jr.
Brian Caubarreaux & Associates
2204 MacArthur Drive
Alexandria, LA 71301
ATTORNEY FOR PLAINTIFF

NOW INTO COURT, through undersigned counsel, comes WALMART INC. (formerly named Wal-Mart Stores, Inc.), (hereinafter “Walmart”), defendant in the above-entitled cause, and appearing solely for the purpose of presenting this Notice of Removal of the above-entitled cause to this Honorable Court under the provisions of 28 U.S.C. § 1441, *et seq.*, and reserving all rights, respectfully shows as follows:

1.

This suit was filed by plaintiff in Pineville City Court, Civil Action No.: 2021-cv-445 Rapides Parish, Louisiana, on December 20, 2021. (Ex. A). Walmart was served with a copy of plaintiffs’ Petition and Citation on or about January 12, 2022. Id.

2.

Walmart answered plaintiff's Petition on February 23, 2022. (Ex. B). Walmart also filed a Motion to Transfer the case from Pineville City Court to the Ninth Judicial District Court pursuant to Louisiana Code of Civil Procedure Article 4873 on February 23, 2022. (Ex. C). The Order granting the Motion to Transfer was signed by Judge Hays on April 22, 2022. (Ex. D). This matter is currently docketed as: "Arnetha Boyd v. Walmart Stores Inc.," Civil Suit No. 273,780, Ninth Judicial District Court, Rapides Parish, Louisiana. (Ex. E).

3.

Plaintiff is a citizen of Louisiana. (Ex. A).

4.

Walmart is a Delaware corporation with its principal place of business in Bentonville, Arkansas. Accordingly, for diversity purposes, Walmart is a citizen of Delaware and Arkansas.

5.

In her Petition, plaintiff alleges that she injured her neck, shoulders and low back when she slipped and fell in a wet substance in Walmart store #75, located at 3636 Monroe Hwy, Pineville, Louisiana. (Ex. A, ¶¶ 3, 5).

6.

Consistent with Louisiana law, plaintiff does not allege any specific monetary amount of the value of her claims in her Petition.

7.

On June 8, 2022, plaintiff answered Walmart's Request for Admission regarding the amount in controversy in this matter and affirmatively admitted that plaintiff is seeking damages exceeding \$75,000.00 in this matter, exclusive of interests and costs. (Ex. F).

8.

Based upon this admission from plaintiff, Walmart alleges that the amount in controversy in this suit exceeds \$75,000.00, exclusive of interest and costs.

9.

Pursuant to 28 USC § 1446(b), this Notice of Removal is timely because the Notice of Removal is filed within one year after the commencement of the action and within thirty (30) days of receipt by the defendant of the notice of the amount in controversy.

10.

This Court has jurisdiction of this cause of action under 28 USC § 1332.

11.

The proper court for removal is the United States District Court for the Western District of Louisiana.

12.

Walmart requests a trial by jury as to all issues triable by a jury.

13.

Walmart further shows unto the Court that immediately upon the filing of this Notice of Removal, a copy of same shall be served upon all adverse parties and a copy filed with the Clerk of the 9th Judicial District Court, Rapides Parish, Louisiana, all in accordance with 28 USC § 1446(d).

14.

Pursuant to Rule 11 of the Federal Rules of Civil Procedure, undersigned counsel certifies that he has read the foregoing Notice of Removal, that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing

law or good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the costs of litigation.

WHEREFORE, Walmart Inc. removes the above-entitled case from the state court to this Court and prays for a trial by jury.

Respectfully submitted,

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Notice of Removal has been served on all counsel of record by fax, the 15 day of June, 2022.



W. Alex Hooper (#39483)